

## REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-13 are pending in the application, with Claims 1, 4, 7 and 11 being the independent Claims. It is gratefully acknowledged that Claims 4-13 have been allowed, and Claims 2-3 have been objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Please amend Claims 2 and 3 as set forth herein. No new matter has been added.

The Examiner rejected Claim 1 under 35 U.S.C. §102(a) as being anticipated by U.S. Publication No. 2003/0054807 to *Hsu et al.* (hereinafter *Hsu*). The Examiner rejected Claim 2 under 35 U.S.C. §112, second paragraph, for indefiniteness.

Regarding the §112, second paragraph rejection, the Examiner alleged that there is insufficient antecedent basis for “the new BCMCS controller”. To obviate this rejection, Applicants have amended the claim as shown herein, by deleting “the” and inserting --a-- therefor. Furthermore, although the Examiner did not reject Claim 3, Applicants have made the same amendment to “the new BCMCS controller” therein, to obviate a potential indefiniteness issue. It is respectfully submitted that the §112, second paragraph rejection has been cured, and withdrawal of the same is respectfully requested.

Regarding the §102(a) rejection, the Examiner alleged that *Hsu* teaches each and every element of Claim 1. In response, Applicants respectfully traverse.

Claim 1 recites *inter alia*, receiving, from a new BS, a new BCMCS zone ID that is different from a prestored old BCMCS zone ID, while receiving old BCMCS data from an old BS. The Examiner alleged that *Hsu* reads on this recitation, but Applicants respectfully cannot

find this teaching anywhere in the numerous paragraphs (i.e., [0083] – [0092]) cited by the Examiner. It was alleged that the mobile station monitors the BCMCS data before and during cell switching, but even that teaching would not read on the recitation at issue.

In order for the §102(a) rejection to stand, *Hsu* would have to either expressly or implicitly teach the recitations in the rejected claim. As to at least the recitation at issue, it is respectfully asserted that *Hsu* fails to do so. For at least the foregoing reasons, Applicants respectfully submit that the §102(a) rejection is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Independent Claims 1, 4, 7 and 11 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 5, 6, 8-10, 12 and 13, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 5, 6, 8-10, 12 and 13 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicants

THE FARRELL LAW FIRM  
333 Earle Ovington Blvd. Suite 701  
Uniondale, New York 11553  
Tel: (516) 228-3565  
Fax: (516) 228-8475

PJF/RCC/dr